

RECEIVED
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
NOV 28 PM 4:34

JENNIFER and SLADE PIGGOTT,

Plaintiffs,

v.

GRAY CONSTRUCTION, INC.,
et al.,

Defendants.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Case No.:

2:06-cv-1158-MEF

NOTICE OF REMOVAL

Comes now the defendant Gray Construction, Inc. (hereinafter referred to as "Gray Construction"), and pursuant to 28 U.S.C. §§ 1332, 1441 & 1446, hereby gives notice that this civil action is removed from the Circuit Court of Butler County, Alabama to the United States District Court for the Middle District of Alabama, Northern Division, and in support thereof, states as follows:

I. The Lawsuit

1. On November 17, 2006, plaintiffs Jennifer and Slade Piggott (hereinafter referred to as "Piggott") filed suit in the Circuit Court of Butler County, Alabama, seeking recovery from Gray Construction for negligently and/or wantonly designing and constructing the roof of the Hwashin America Corporation building in Greenville, Alabama, in a manner that caused or allowed the roof to collapse on top of Ms. Piggott, causing her serious and significant injuries. (See Complaint contained within the Butler County Circuit court file marked as Exhibit A). The plaintiffs allege, among other things,

that Gray Construction negligently and wantonly failed to design and/or construct the roof in such a manner to ensure its structural integrity and stability so that it would withstand heavy rain and/or wind. (Complaint, ¶ 20). The plaintiffs further allege that Gray Construction had a duty to enforce safety policies and/or to require compliance with all state and federal standards and regulations regarding construction, including the roof and walls of the Hwashin building and that Gray Construction failed to inspect the roof and walls of the building during and/or at the completion of construction to determine whether its structural integrity was capable of withstanding the elements. (Complaint, ¶ 23-24).

2. A civil case filed in state court may be removed by the defendant to federal court if the case could have been brought originally in federal court. 28 U.S.C. § 1441(a). Federal courts have diversity jurisdiction over all civil actions where the amount in controversy exceeds \$75,000 exclusive of interest and costs and the action is between citizens of different states. 28 U.S.C. § 1332. Diversity jurisdiction requires complete diversity; every plaintiff must be diverse from every defendant. *Triggs v. John Crump Toyota, Inc.*, 154 F.3d 1284, 1287 (11th Cir. 1998).

II. The Parties Are Completely Diverse

3. Where such jurisdiction is based on diversity of citizenship under 28 U.S.C. § 1332, the action is removable, pursuant to 28 U.S.C. § 1441(b), only if none of the parties in interest and served as defendants is a citizen of the state in which the action is brought. To invoke removal jurisdiction based on diversity, the notice of removal must distinctly and affirmatively allege each party's citizenship. *McGovern v. American*

Airlines, Inc., 511 F.2d 653, 654 (5th Cir. 1975) (per curiam). 28 U.S.C. § 1441(a) permits the removal of cases where diversity of citizenship exists between all named parties, disregarding the citizenship of fictitious party defendants.

4. There is complete diversity between the parties in this case. The plaintiffs were Alabama residents and citizens at the time this action was filed and on the date this action was removed. The plaintiffs seek recovery from sole defendant Gray Construction. (See Complaint). Gray Construction is a Kentucky corporation with its principal place of business in Lexington, Kentucky. Therefore, the plaintiffs and the defendant are completely diverse.

III. The Amount In Controversy Is Satisfied

5. The amount in controversy is satisfied in this case. Where, as have, the plaintiff make an unspecified claim for damages, the defendant may prove by a preponderance of the evidence that the amount in controversy exceeds \$75,000, exclusive of interest and costs. *Leslie Miedema v. Maytag Corporation*, 450 F.3d 1322, 1330 (11th Cir. 2006); *Davis v. Franklin Life Insurance Company*, 71 F.Supp.2d 1197 (M.D. Ala. 1999). The relevant inquiry is whether the plaintiffs' recovery will more likely than not exceed the jurisdictional amount should they prevail in this case. *See, Davis v. Franklin Life Ins. Co.*, 71 F. Supp. 2d, 1197, 1200 (M.D. Ala. 1999). The appropriate measure is the litigation value of the case assuming that the allegations of the complaint are true and assuming a jury returns a verdict for the plaintiff on all claims made in the complaint. *Jackson v. American Bankers Insurance Company of Florida*, 976 F. Supp 1450, 1454 (S.D. Ala. 1997). The court first examines whether this standard is met by examining

whether “it is facially apparent from the complaint that the amount in controversy exceeds the jurisdictional requirement.” *Leslie Miedema*, 450 F.3d at 1330. If the jurisdictional amount is not apparent from the face of the complaint, the court can review the notice of removal and require evidence relevant to the amount in controversy to determine whether the jurisdictional requirement is met. *Leslie Miedema*, 450 F.3d at 1330.

6. It is facially apparent from the complaint that the amount in controversy is satisfied in this case. Assuming that the allegations in the case are true and assuming that the jury returns a verdict for the plaintiffs on all counts (as the jurisdictional rules require), then a recovery more likely than not would exceed this Court’s jurisdictional threshold. The Piggotts allege that this defendant negligently and/or wantonly designed and constructed the roof of the Hwashin America Corporation building in Greenville, Alabama, in a manner that caused or allowed the roof to collapse on top of Ms. Piggott while she was at work. Jennifer Piggott seeks recovery for compensatory and punitive damages, and her husband, Slade Piggott, seeks recovery for compensatory damages for loss of consortium. The plaintiffs allege that Ms. Piggott sustained serious and permanent injuries specifically alleging in the complaint as follows:

21. As a proximate consequence of Defendant Gray Construction’s negligence and the negligence of all Fictitious Defendants, Plaintiff Jennifer Piggott was injured and damaged as follows: she sustained serious and permanent injuries, including a crushed vertebrae at L4-5 which caused fluid to leak out of her spinal cord, caused numbness in her legs and toes and which required emergency surgery; she sustained injuries to her right knee, her back suffered lacerations and pieces of glass were embedded in her back, she suffered physical pain and will continue to suffer paid[sic] in the future; she was required to be

hospitalized; she is required to wear a back brace; she suffered a broken rib; she suffered mental anguish and will continue to suffer mental anguish in the future; she will be required to miss work and lose income as a result of her injuries; she will continue to lose income in the future; she will continue to have physical problems in the future as a result of the crushed vertebrae in her back; and she has otherwise been injured and damaged.

(Complaint, ¶ 21).

7. Furthermore, plaintiff Slade Piggott alleges that he has lost and will continue to lose the love, affection, and services of his wife as well as the income and the ability to obtain jobs because of the necessity of taking care of his wife after she was injured. (Complaint, ¶ 45). Assuming that the allegations in the case are true and assuming that the jury returns a verdict for the plaintiffs on all counts (as the jurisdictional rules require), the jurisdictional amount in controversy is satisfied.

8. As evidenced by the letter attached hereto as Exhibit B, the plaintiffs view this case to involve an amount in controversy in excess of the federal court jurisdictional threshold, and should this Court deem a formal stipulation necessary, then Gray Construction requests permission to allow the parties to supplement this notice with a formal stipulation as to the plaintiffs' assessment of their damages in this case. (See Exhibit B).

IV. The Statutory Requirements and Local Rules Have Been Satisfied

9. The notice of removal is being timely filed within thirty days of service of the petition or process upon this defendant pursuant to 28 U.S.C. § 1446(b), calculated in accordance with Rule 6(a) of the Federal Rules of Civil Procedure.

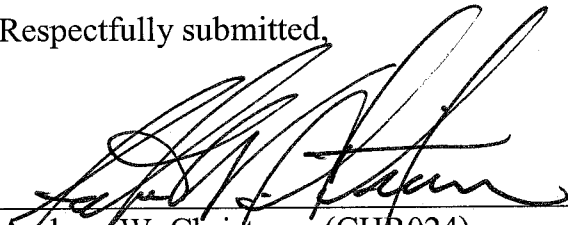
10. The requisites for removal under 28 U.S.C. Section 1441 have been met.

11. The removing defendant is filing a copy of the Notice of Removal with the Butler County Clerk's office and providing the plaintiff's attorney with written notice of the filing of the Notice of Removal as required by 28 U.S.C. § 1446(d).


12. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81.1, a true and correct copy of all process, pleadings, and orders served on this defendant is attached hereto through the certified copy of the court file from the Butler County Clerk's office which is marked as Exhibit A.

13. The removing defendant requests and reserves the right to amend and supplement this notice of removal should the Court deem additional information necessary regarding the jurisdictional issue.

Respectfully submitted,



Andrew W. Christman (CHR024)
Attorney for Defendant Gray Construction



Steven K. Herndon (HER028)
Attorney for Defendant Gray Construction

OF COUNSEL:

Gidiere, Hinton, Herndon & Christman
P.O. Box 4190
Montgomery, AL 36103-4190
Telephone: (334) 834-9950
Facsimile: (334) 834-1054
drew@ghhclaw.com
steve@ghhclaw.com

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed, this 29th day of December, 2006.

Ms. Julia A. Beasley
Beasley, Allen, Crow, Methvin
Portis & Miles, PC
P.O. Box 4160
Montgomery, AL 36103-4160

Mr. W. Christopher Waller, Jr.
Mr. James A. Rives
Ball, Ball, Matthews & Novak, PA
P.O. Box 2148
Montgomery, AL 36102-2148


Counsel

Exhibit A

AVSO351

CV 2006 000176.00

JUDGE: H. EDWARD MCFERRIN

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF BUTLER COUNTY

JENNIFER & SLADE PIGGOTT VS GRAY CONSTRUCTION, INC, ET AL
FILED: 11/17/2006 TYPE: NEGLIGENCE-GENERAL TYPE TRIAL: JURY TRACK:DATE1: CA: CA DATE:
DATE2: 02/08/2007 AMT: \$.00 PAYMENT:
DATE3:

PLAINTIFF 001: PIGGOTT JENNIFER

ATTORNEY: BEASLEY JERE
BEA020 BEASLEY ALLEN CROW
P O BOX 4160
MONTGOMERY, AL 36103
(334) 269-2343AL 00000-0000
PHONE: (334) 000-0000
ENTERED: 11/17/2006 ISSUED:
SERVED: ANSWERED:TYPE:
JUDGEMENT:BEASLEY JULIA ANN
BEASLEY, ALLEN CROW
P. O. BOX 4160
MONTGOMERY, AL 36103
(334) 269-2343

PLAINTIFF 002: PIGGOTT SLADE

ATTORNEY: BEASLEY JERE
BEA020 BEASLEY ALLEN CROW
P O BOX 4160
MONTGOMERY, AL 36103
(334) 269-2343AL 00000-0000
PHONE: (334) 000-0000
ENTERED: 11/17/2006 ISSUED:
SERVED: ANSWERED:TYPE:
JUDGEMENT:BEASLEY JULIA ANN
BEASLEY, ALLEN CROW
P. O. BOX 4160
MONTGOMERY, AL 36103
(334) 269-2343DEFENDANT 001: GRAY CONSTRUCTION INC
C/O GEORGE GRAY
2204 1ST AVE, S-SUITE 101
BIRMINGHAM, AL 35233-0000
PHONE: (334) 000-0000

ATTORNEY:

ENTERED: 11/17/2006 ISSUED: 11/30/2006 TYPE: CERTIFIED
SERVED: ANSWERED: JUDGEMENT:I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec 2006Allen W. Stephenson
Circuit Clerk

DEH 11/30/2006

CV 2006 000176.00

AVSO351

CV 2006 000176.00

JUDGE: H. EDWARD MCFERRIN

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF BUTLER COUNTY

JENNIFER & SLADE PIGGOTT VS GRAY CONSTRUCTION, INC ET AL
FILED: 11/17/2006 TYPE: NEGLIGENCE-GENERAL TYPE TRIAL: JURY TRACK:

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ATTORNEY: BEASLEY JERE
BEA020 BEASLEY ALLEN CROW
P O BOX 4160
MONTGOMERY, AL 36103
(334) 269-2343AL 00000-0000
PHONE: (334) 000-0000
ENTERED: 11/17/2006 ISSUED:
SERVED: ANSWERED:TYPE:
JUDGEMENT:BEASLEY JULIA ANN
BEASLEY, ALLEN CROW
P. O. BOX 4160
MONTGOMERY, AL 36103
(334) 269-2343

PLAINTIFF 002: PIGGOTT SLADE

AL 00000-0000
PHONE: (334) 000-0000
ENTERED: 11/17/2006 ISSUED:
SERVED: ANSWERED:ATTORNEY: BEASLEY JERE
BEA020 BEASLEY ALLEN CROW
P O BOX 4160
MONTGOMERY, AL 36103
(334) 269-2343
TYPE:
JUDGEMENT:BEASLEY JULIA ANN
BEASLEY, ALLEN CROW
P. O. BOX 4160
MONTGOMERY, AL 36103
(334) 269-2343DEFENDANT 001: GRAY CONSTRUCTION INC
C/O GEORGE GRAY
2204 1ST AVE, S-SUITE 101
BIRMINGHAM, AL 35233-0000
PHONE: (334) 000-0000

ATTORNEY:

ENTERED: 11/17/2006 ISSUED: 11/30/2006 TYPE: CERTIFIED
SERVED: ANSWERED: JUDGEMENT:THIRD PRY 001: HWAASHIN AMERICA CORPORATION BY AND THROUGH
ALABAMA SELF-INSURED WCF ATTORNEY: RIVES JAMES ARCHIBALD
RIV005 2000 INTERSTATE PK DR.
BIRMINGHAM, AL 00000-0000 SUITE 204
PHONE: (334) 000-0000 MONTGOMERY, AL 36109ENTERED: 12/07/2006 ISSUED: TYPE: (334) 387-7680
SERVED: ANSWERED: JUDGEMENT:

11/17/2006 SUMMONS AND COMPLAINT

11/17/2006 C001/2 FIRST INTERROGATORIES AND REQUEST FOR

11/17/2006 PRODUCTION OF DOCUMENTS TO D001

11/17/2006 C001/2 MOTION TO INSPECT AND PHOTOGRAPH PREMISES

REJ 12/29/2006

CV 2006 000176.00

AVSO351

CV 2006 000176.00

JUDGE: H. EDWARD MCFERRIN

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF BUTLER COUNTY

JENNIFER & SLADE PIGGOTT VS GRAY CONSTRUCTION, INC, ET AL
FILED: 11/17/2006 TYPE: NEGLIGENCE-GENERAL TYPE TRIAL: JURY TRACK:

DATE1: CA: CA DATE:
DATE2: 02/08/2007 AMT: \$.00 PAYMENT:
DATE3: *****

11/17/2006 OF HWASHIN AMERICA CORP

11/30/2006 FILED THIS DATE: 11/17/2006 (AV01)

11/30/2006 ORIGIN: INITIAL FILING (AV01)

11/30/2006 ASSIGNED TO JUDGE: H. EDWARD MCFERRIN (AV01)

11/30/2006 JURY TRIAL REQUESTED (AV01)

11/30/2006 CASE ASSIGNED STATUS OF: ACTIVE (AV01)

11/30/2006 PIGGOTT JENNIFER ADDED AS C001 (AV02)

11/30/2006 LISTED AS ATTORNEY FOR C001: BEASLEY JULIA ANN

11/30/2006 LISTED AS ATTORNEY FOR C001: BEASLEY JERE (AV02)

11/30/2006 PIGGOTT SLADE ADDED AS C002 (AV02)

11/30/2006 LISTED AS ATTORNEY FOR C002: BEASLEY JERE (AV02)

11/30/2006 LISTED AS ATTORNEY FOR C002: BEASLEY JULIA ANN

11/30/2006 GRAY CONSTRUCTION INC ADDED AS D001 (AV02)

11/30/2006 CERTIFIED MAI ISSUED: 11/30/2006 TO D001 (AV02)

11/30/2006 BY C001 C001/2 MOTION TO INSPECT & PHOTOGRAPH

11/30/2006 BY C001 PREMISES OF HWASHIN AMERICA CORP

11/30/2006 SET FOR: MOTION ON 02/08/2007 AT 0900A (AV01)

11/30/2006 CASE ACTION SUMMARY PRINTED (AV02)

12/07/2006 COMPLAINT ON INTERVENTION (HWASHIN AMERICA)

12/14/2006 HWASHIN AMERICA CORPORATION BY AND THROUGH ADDED A

12/14/2006 LISTED AS ATTORNEY FOR T001: RIVES JAMES ARCHIBAL

12/14/2006 BY T001 T001 MOTION TO INTERVENE

12/14/2006 SET FOR: MOTION ON 01/04/2007 AT 0900A (AV01)

12/15/2006 NOTICE SENT: 12/15/2006 BEASLEY JERE

12/15/2006 NOTICE SENT: 12/15/2006 BEASLEY JULIA ANN

12/15/2006 NOTICE SENT: 12/15/2006 BEASLEY JERE

12/15/2006 NOTICE SENT: 12/15/2006 BEASLEY JULIA ANN

REJ 12/29/2006

CV 2006 000176.00

AVSO351

CV 2006 000176.00

JUDGE: H. EDWARD MCFERRIN

ALABAMA JUDICIAL DATA CENTER
CASE ACTION SUMMARY
CIRCUIT CIVIL

IN THE CIRCUIT COURT OF BUTLER COUNTY

JENNIFER & SLADE PIGGOTT VS GRAY CONSTRUCTION, INC, ET AL
FILED: 11/17/2006 TYPE: NEGLIGENCE-GENERAL TYPE TRIAL: JURY

TRACK:

DATE1: CA: CA DATE:
DATE2: 02/08/2007 AMT: \$.00 PAYMENT:
DATE3: *****

12/15/2006 NOTICE SENT: 12/15/2006 GRAY CONSTRUCTION INC

12/15/2006 NOTICE SENT: 12/15/2006 RIVES JAMES ARCHIBALD

12/18/2006 SET FOR: MOTION ON 02/08/2007 AT 0900A (AV01)

I hereby certify that this is true and
correct copy of the Case act. on Summary
rendered in the above styled cause.
This 29 day of Dec 2006
Allen W. Stephenson
Circuit Clerk Pop

REJ 12/29/2006

CV 2006 000176.00

Butler County, Clerk of Court
Courthouse, 700 Court Square
Greenville, AL 36037

Butler County, Clerk of Court
Courthouse, 700 Court Square
Greenville, AL 36037



CERTIFIED MAIL



7360 3901 9841 5331 7363

RETURN RECEIPT REQUESTED

GEORGE GRAY
GRAY CONSTRUCTION CO., INC.
2204 1ST AVENUE SOUTH, SUITE 101
BIRMINGHAM, AL 35233



I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk *AS*



IN THE CIRCUIT COURT OF
BUTLER COUNTY, ALABAMA

JENNIFER & SLADE PIGGOTT,

Plaintiffs,

vs.

GRAY CONSTRUCTION, INC.;
et al.,

Defendants.

*
*
*
*
*
*
*
*
*

CASE NUMBER: CV-06 -176

SUMMONS

This service by certified mail of this summons is initiated upon the written request of Plaintiffs' attorney pursuant to the Alabama Rules of Civil Procedure.

NOTICE TO: GEORGE GRAY
 GRAY CONSTRUCTION CO., INC.
 2204 1ST AVENUE SOUTH, SUITE 101
 BIRMINGHAM, AL 35233

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights. You are required to mail or hand deliver a copy of a written Answer, either admitting or denying each allegation in the Complaint to,

JULIA A. BEASLEY
BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
P. O. Box 4160
Montgomery, Alabama 36103-4160

the attorney for the Plaintiffs. THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN THIRTY (30) DAYS FROM THE DATE OF DELIVERY OF THIS SUMMONS AND COMPLAINT AS EVIDENCED BY THE RETURN RECEIPT, OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. You must also file the original of your Answer with the Clerk of this Court within a reasonable time afterward.

Allen W. Stephenson

CIRCUIT CLERK

Dated: NOV 17 2006

I hereby certify that this is true and
correct copy of the file
returned in the above styled cause.
This 28 day of Dec 2006
Allen W. Stephenson
Circuit Clerk *AS*

IN THE CIRCUIT COURT FOR
BUTLER COUNTY, ALABAMA

JENNIFER PIGGOTT and SLADE
PIGGOTT,

Plaintiffs,

vs.

CASE NUMBER
CV-06- 176

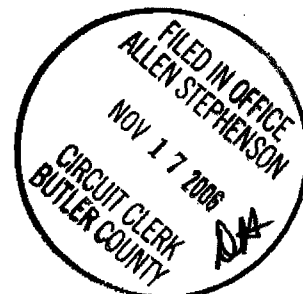
GRAY CONSTRUCTION, INC.;

Fictitious Defendant "A", the person,
company, corporation, or other entity
which was responsible for the design
of the building at Hwashin America
Corporation, including the roof;

Fictitious Defendant "B", the person,
company, corporation, or other entity
which was the general contractor
responsible for construction of the
building, including the roof at
Hwashin America Corporation;

Fictitious Defendant "C", the person,
company, corporation, or other entity
who or which was the engineer
responsible for inspecting the roof
throughout construction and upon
completion of the roof at Hwashin
America Corporation; Fictitious
Defendant "D", the project manager
who was responsible for overseeing
the construction project involving the
roof at Hwashin America Corporation;

Fictitious Defendant "E", the person,
company, corporation, or other entity
which was the responsible for safety
and compliance with all state and
federal standards and regulations
regarding construction at Hwashin
America Corporation, including the
roof; Fictitious Defendant "F", the
person, company, corporation, or
other entity which was responsible for



I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec 2006
Allen W. Stephenson
Circuit Clerk *aw*

ensuring the structural integrity and stability of the roof upon completion of the construction of the roof at Hwashin America Corporation plant; Fictitious Defendants "G", "H", "I", "J" and "K", are those other persons, corporations, or other entities whose negligence, wantonness, or other wrongful conduct contributed to cause injuries and damages to Plaintiff Jennifer Piggott, whose true and correct names are unknown to Plaintiffs at this time, but will be substituted by amendment when ascertained,

Defendants.

COMPLAINT

Statement of the Parties

1. Plaintiff Jennifer Piggott is over the age of nineteen years and resides in Butler County, Alabama.
2. Plaintiff Slade Piggott, the husband of Jennifer Piggott, is over the age of nineteen years, and resides in Butler County, Alabama.
3. Defendant Gray Construction, Inc., (hereinafter "Gray Construction") is an Alabama corporation with its principle place of business in Birmingham, Alabama, which does business by agent in Butler County, Alabama.
4. Fictitious Defendant "A" is the person, company, corporation, or other entity which was responsible for the design of the building at Hwashin America Corporation (hereinafter "Hwashin") in Greenville, Alabama, including the roof.

I hereby certify that this is true and correct copy of the file rendered in the above styled cause.
 This 28 day of Dec. 2006
Allen W. Stephenson
 Circuit Clerk

5. Fictitious Defendant "B" is the person, company, corporation, or other entity which was the general contractor responsible for construction of the building, including the roof, at Hwashin in Greenville, Alabama.

6. Fictitious Defendant "C" is the person, company, corporation, or other entity which was the engineer responsible for inspecting the roof throughout construction and upon completion of the roof at Hwashin in Greenville, Alabama.

7. Fictitious Defendant "D" is the project manager who was responsible for overseeing the construction project involving the roof at Hwashin in Greenville, Alabama.

8. Fictitious Defendant "E" is the person, company, corporation, or other entity which was the responsible for safety and compliance with all state and federal standards and regulations regarding construction at Hwashin, including the roof, in Greenville, Alabama.

9. Fictitious Defendant "F" is the person, company, corporation, or other entity which was responsible for ensuring the structural integrity and stability of the roof upon completion of the construction of the roof at Hwashin in Greenville, Alabama.

10. Fictitious Defendants and "G" "H", "I", "J", and "K" are those other persons, corporations, or entities, whose negligence, wantonness, or other wrongful conduct contributed to cause the injuries and damages of Plaintiff Jennifer Piggott.

11. The true and correct names of the Fictitious Defendants are unknown to Plaintiff at this time, but will be substituted by amendment when ascertained.

Statement of the Facts

12. On October 17, 2006, Plaintiff Jennifer Piggott was an employee of Hwashin America Corporation in Greenville, Alabama.

I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec 2006
Allen W. Stephenson
Circuit Clerk *af*

13. At said time and place, Jennifer Piggott was performing her duties at her desk in the office at the Hwashin location.

14. At said time and place, a wall collapsed and the roof of the building collapsed on Jennifer Piggott, knocking her to the floor and causing her to be severely injured.

15. At all times material hereto, Plaintiff Slade Piggott is married to and the husband of Jennifer Piggott.

16. Upon information and belief, it is alleged that Defendant Gray Construction was responsible for the design and construction of the building at Hwashin.

17. At the aforesaid time and place, Defendant Gray Construction and all Fictitious Defendants had a duty to ensure that the roof and support walls were designed, constructed and completed in such a manner to prevent it from collapsing on persons, including workers such as Jennifer Piggott.

18. At said time and place, Defendant Gray Construction and all Fictitious Defendants had a duty to properly design and construct the building, including the walls and roof, with adequate support and materials to withstand the elements of weather.

COUNT ONE

19. Plaintiffs reallege paragraphs 1 through 18 of the Complaint as if set out here in full.

20. Defendant Gray Construction and all Fictitious Defendants negligently failed to design and/or construct the roof in such a manner to ensure its structural integrity and stability so that it would withstand heavy rain and/or wind.

I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk as

21. As a proximate consequence of Defendant Gray Construction's negligence and the negligence of all Fictitious Defendants, Plaintiff Jennifer Piggott was injured and damaged as follows: she sustained serious and permanent injuries, including a crushed vertebrae at L4-5 which caused fluid to leak out of her spinal cord, caused numbness in her legs and toes and which required emergency surgery; she sustained injuries to her right knee, her back suffered lacerations and pieces of glass were embedded in her back, she suffered physical pain and will continue to suffer pain in the future; she was required to be hospitalized; she is required to wear a back brace; she suffered a broken rib; she incurred medical expenses and will continue to incur medical expenses in the future; she suffered mental anguish and will continue to suffer mental anguish in the future; she will be required to miss work and lose income as a result of her injuries; she will continue to lose income in the future; she will continue to have physical problems in the future as a result of the crushed vertebrae in her back; and she has otherwise been injured and damaged.

WHEREFORE, Plaintiffs demand judgment against Defendant Gray Construction and all Fictitious Defendants in such an amount of compensatory damages as a jury may deem reasonable, and the costs of this action.

COUNT TWO

22. Plaintiffs reallege paragraphs 1 through 20 of the Complaint as if set out here in full.

23. Defendant Gray Construction and all Fictitious Defendants had a duty to enforce safety policies and/or to require compliance with all state and federal standards

I hereby certify that this is true and correct copy of the file rendered in the above styled cause.
This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk *AY*

and regulations regarding construction, including the roof and walls of the Hwashin building.

24. Defendant Gray Construction and all Fictitious Defendants negligently failed to inspect the roof and walls of the building during and/or at completion of construction to determine whether its structural integrity was capable of withstanding the elements, including rain and wind.

25. Defendant Gray Construction and all Fictitious Defendants negligently failed to require the roof and walls to have structural integrity.

26. Defendant Gray Construction and all Fictitious Defendants negligently failed to enforce safety policies and/or failed to require compliance with all state and federal standards and regulations regarding construction, including the roof and walls of the Hwashin building.

27. As a proximate consequence of Defendant Gray's negligence and the negligence of all Fictitious Defendants, Plaintiff Jennifer Piggott was injured and damaged as alleged in paragraph number 21 above.

WHEREFORE, Plaintiffs demand judgment against Defendant Gray Construction and all Fictitious Defendants in such an amount of compensatory damages as a jury may deem reasonable, and the costs of this action.

COUNT THREE

28. Plaintiffs reallege paragraphs 1 through 20 of the Complaint as if set out here in full.

I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec 2006
Allen W. Stephenson
Circuit Clerk *ax*

29. Defendant Gray Construction and all Fictitious Defendants had a duty to ensure that the roof and walls were designed, constructed and completed in such a manner to prevent it from collapsing.

30. Defendant Gray Construction and all Fictitious Defendants had a duty to construct the aforesaid building, including the walls and roof, with adequate support and materials to withstand the elements of weather.

31. Defendant Gray Construction and all Fictitious Defendants wantonly failed to properly design and/or construct the Hwashin building.

32. Defendant Gray Construction and all Fictitious Defendants wantonly failed to properly design and/or construct the roof in such a manner to ensure its structural integrity and stability to withstand heavy rain and/or wind.

33. As a proximate consequence of Defendant Gray Construction's wantonness and the wantonness of all Fictitious Defendants, Plaintiff Jennifer Piggott was injured and damaged as alleged in paragraph number 21 above.

WHEREFORE, Plaintiffs demand judgment against Defendant Gray Construction and all Fictitious Defendants in such an amount of punitive damages as a jury may deem reasonable, and the costs of this action.

COUNT FOUR

34. Plaintiffs reallege paragraphs 1 through 20 of the Complaint as if set out here in full.

35. Defendant Gray Construction and all Fictitious Defendants had a duty to enforce safety policies and/or to require compliance with all state and federal standards

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rendered in the above styled cause.
This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk al

and regulations regarding construction, including the roof and walls of the Hwashin building.

36. Defendant Gray Construction and all Fictitious Defendants wantonly failed to inspect the roof and walls during and/or at completion of construction to determine whether its structural integrity was capable of withstanding the elements, including rain and wind.

37. Defendant Gray Construction and all Fictitious Defendants wantonly failed to enforce safety policies and/or failed to require compliance with all state and federal standards and regulations regarding construction, including the roof and walls at the Hwashin building.

38. As a proximate consequence of Defendant Gray Construction's wantonness and the wantonness of all Fictitious Defendants, Plaintiff Jennifer Piggott was injured and damaged as alleged in paragraph number 21 above.

WHEREFORE, Plaintiffs demand judgment against all Defendant Gray Construction and all Fictitious Defendants in such an amount of compensatory damages as a jury may deem reasonable, and the costs of this action.

COUNT FIVE

39. Plaintiffs reallege paragraphs 1 through 20 of the Complaint as if set out here in full.

40. The negligence or wantonness or other wrongful conduct of all Defendants combined and concurred to cause the aforesaid incident involving Plaintiff Jennifer Piggott.

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Allen W. Stephenson
Circuit Clerk *AS*

41. As a proximate consequence of the combining and concurring negligence or wantonness or other wrongful conduct of all Defendants, Plaintiff Jennifer Piggott was injured and damaged as alleged in paragraph 21 above.

WHEREFORE, Plaintiffs demand judgment against all Defendants in such an amount of compensatory damages as a jury may award, a separate amount of punitive damages and the costs of this action.

COUNT SIX

42. Plaintiff Slade Piggott realleges all prior paragraphs of the Complaint as if set out here in full.

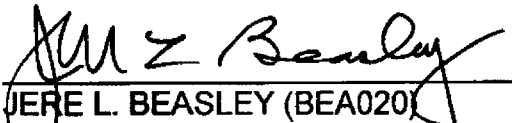
43. Plaintiff Slade Piggott is the husband and marital partner of Plaintiff Jennifer Piggott.


44. Plaintiff Jennifer Piggott was injured and damaged as alleged in paragraph 21 of the Complaint as a result of Defendants' negligence or wantonness.

45. As a proximate consequence of Defendants' negligence, Plaintiff Slade Piggott has lost and will continue to lose the love, affection, and services of his wife, he also has lost income and has lost the ability to obtain jobs because of the necessity of taking care of his wife after she was injured when the roof fell on her; and he has otherwise been injured and damaged.

WHEREFORE, Plaintiff Slade Piggott demands judgment against all Defendants in such an amount of compensatory damages as a jury may award, and his costs of this action.

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This 26 day of Dec, 2006
Allen W. Stephenson
Circuit Clerk an

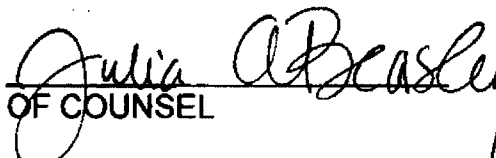

JERE L. BEASLEY (BEA020)


JULIA A. BEASLEY (BEA039)
Attorneys for Plaintiff

OF COUNSEL:
BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
P. O. Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343

JURY DEMAND

PLAINTIFFS HEREBY DEMAND TRIAL BY JURY ON ALL ISSUES OF THIS
CAUSE.


OF COUNSEL

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correct copy of the File
rendered in the above styled cause.
This 28 day of Dec. 2006

Allen W. Stephenson
Circuit Clerk

State of Alabama Unified Judicial System Form ARCivP-93 Rev. 5/99	COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)	Case Number <div style="border: 1px solid black; padding: 2px;"> CV </div> Date of Filing: Judge Code: Month Day Year
GENERAL INFORMATION		
IN THE CIRCUIT COURT OF <u>Butler</u> ALABAMA <div style="text-align: right; margin-right: 50px;">(Name of County)</div> <div style="display: flex; justify-content: space-between;"> <div> <u>Jennifer Piggott</u> Plaintiff </div> <div> <u>v. Gray Construction, Inc.</u> Defendant </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> First Plaintiff <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other </div> <div> First Defendant <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other </div> </div>		
NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:		
TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input checked="" type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____	OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case	
TORTS: PROPERTY INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property OTHER CIVIL FILINGS <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Services		
ORIGIN (check one): <input checked="" type="checkbox"/> INITIAL FILING <input type="checkbox"/> APPEAL FROM DISTRICT COURT <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> REMANDED <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT		
HAS JURY TRIAL BEEN DEMANDED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)		
RELIEF REQUESTED: <input checked="" type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED		
ATTORNEY CODE: E E A C 3 9 <u>11-15-06</u> <u>Julia</u> Date Signature of Attorney/Party filing this form		
MEDIATION REQUESTED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNDECIDED		
I hereby certify that this is true and correct copy of the <u>file</u> rendered in the above styled cause. This <u>28</u> day of <u>Dec</u> , 20 <u>06</u> <u>Allen W. Stephenson</u> Circuit Clerk		

IN THE CIRCUIT COURT OF
BUTLER COUNTY, ALABAMA

JENNIFER & SLADE PIGGOTT,

Plaintiffs,

vs.

GRAY CONSTRUCTION, INC., et al.,

Defendants.

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CASE NUMBER:
CV-06-176

PLAINTIFFS' FIRST INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
TO GRAY CONSTRUCTION, INC.

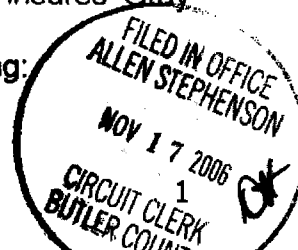
DEFINITIONS

1. Incident – For the purposes of these interrogatories, the term "incident" shall refer to the incident which injured Jennifer Piggott when the roof collapsed at the Hwashin America Plant facility on October 17, 2006, in Greenville, Alabama.
2. This Defendant – For the purposes of these interrogatories, the term "this Defendant" shall refer to Gray Construction, Inc.
3. Hwashin Facility – For the purposes of these interrogatories, the term "Hwashin facility" shall refer to the building in which this incident occurred.

INTERROGATORIES

1. Is this Defendant named correctly in the complaint? If not, state this Defendant's correct legal name.
2. Please state the amount of insurance coverage under each and every liability insurance policy, including excess and umbrella coverage, which insures Gray Construction, Inc., for this incident. For each carrier, please state the following:

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This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk A



a. The policy limits of each such policy, including excess and umbrella coverage; and

b. The name of the insured of each such policy.

3. State in detail this Defendant's involvement in the construction, including the roof, at the Hwashin facility?

4. Please state the names and addresses of each company, corporation and/or entity which performed any work on the roof at the Hwashin facility in the area where the roof collapsed.

5. Please state the names and addresses of each company, corporation and/or entity which performed any work in the area where the wall caved in at the Hwashin facility.

6. Please state the name and address of each architect and/or architectural firm who participated in the design for the Hwashin facility, including the roof.

7. Please state the name and address of each person, company, corporation and/or entity which inspected the roof at any time throughout construction and/or after the completion of the Hwashin facility.

8. Please state the name and address of each person, company, corporation and/or entity which determined, tested, evaluated, confirmed and/or did anything to assess the strength of and/or structural integrity of the roof upon completion of construction at the Hwashin facility.

9. Please state the name and address of the general contractor responsible for the overall construction of the Hwashin facility.

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Circuit Clerk *al*

10. Please state the name and address of the person, company, corporation and/or other entity general contractor responsible for the roof construction of the Hwashin facility.

11. Please state the name and address of the person, company, corporation and/or other entity which did any work as a subcontractor which was responsible for the roof construction of the Hwashin facility and list what their specific job was for the roof construction.

12. State the type roof on the Hwashin facility where this incident occurred and list the manufacturer of each material used as the main component of the roof.

13. Did this Defendant supervise the construction work performed on the Hwashin facility? If so, list the name and address of each person responsible for such supervision. If not, list the name of the person, company, corporation and/or entity which supervised this work.

14. State each and every standard and/or regulation in effect during construction which sets forth requirements for construction of the roof at the Hwashin facility.

15. Did this Defendant, or anyone acting on this Defendant's behalf, take photographs after the roof collapsed at the Hwashin facility? If so, state the name of the person who took the photographs and the current location of the photographs.

16. State in detail why the roof on the Hwashin facility collapsed on October 17, 2006.

17. List any other project this Defendant has been involved in where a similar incident has occurred in which a roof and/or wall collapsed.

I hereby certify that this is true and correct copy of the file rendered in the above styled cause. This 28 day of Dec 2006
Allen W. Stephens
Circuit Clerk at 3

18. Did Hwashin, or any company affiliated with them or any of their parent companies or corporations, participate in the decision making process for the type of roof, type of material used on the roof and other construction relating to the roof and/or support for the roof. If so, list which company and/or corporation and what involvement they had.

19. State the name and address of the project manager and/or foreman for this Defendant during the construction of the Hwashin facility.

20. To the extent possible, identify the names and addresses of any and all fictitious Defendants which are named in the complaint.

21. State the names and addresses of each person with knowledge of the incident and include the specific facts known by each.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. A copy of any and all photographs (showing inside, outside of building and/or aerial view) of the Hwashin facility after the roof collapsed on October 17, 2006.

2. A copy of any and all photographs (showing inside, outside of building and/or aerial view) of the Hwashin facility after the wall collapsed on October 17, 2006.

3. A copy of all liability insurance policies, including primary and excess coverage, in effect insuring this Defendant at the time of this incident.

4. A copy of all contracts between this Defendant and any person, company,

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rendered in the above styled cause.
This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk AS

corporation and/or or other entity who performed construction work at the Hwashin facility.

5. A copy of all contracts between this Defendant and Hwashin, and/or any other corporation affiliated with Hwashin, including Hyundai, for any work performed at the Hwashin facility.

6. A copy of the plans for the project dealing with construction of the Hwashin facility, including the roof.

7. All drawings, designs, plans, blueprints and any other documents which shows the plan for the construction of the roof at the Hwashin facility.

8. A copy of all inspection reports on the roof at the Hwashin facility.

9. A copy of any and all engineering reports regarding the Hwashin facility, including the roof.

10. A copy of any contracts with any other Defendants named as Fictitious Defendants in the Complaint who performed work at the Hwashin facility.

11. All documents showing the work performed, any inspections, any daily reports, supervisors' checklist, all safety checklists and any and all other documents relating to the construction work performed in the area and around the area where the roof collapsed.

12. A copy of any indemnity agreements which apply to this incident and/or any allegations in the Plaintiffs' complaint.


13. A copy of any and all correspondence to and from OSHA regarding this incident.

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correct copy of the file
rendered in the above styled cause.
This 28 day of Dec 20 06
Allen W. Stephenson
Circuit Clerk *af*

14. A copy of any and all correspondence to and from Hwashin regarding this incident.
15. A copy of any and all correspondence to and from any other party responsible for the roof collapsing on October 17, 2006.
16. All findings by OSHA regarding this incident.
17. A copy of inspections or other documents which pertain to supervision by this Defendant of work done on the roof by any contractors.
18. A copy of payments made to this Defendant regarding the Hwashin facility.
19. All memos, reports, letters, and/or documents which reference the structural integrity of the roof.
20. A copy of any and all documents which mention what, if anything, was done to determine, test, evaluate, confirm and/or assess the strength of an/or structural integrity of the roof upon completion of construction at the Hwashin facility.


JULIA A. BEASLEY (BEA039)
Attorney for Plaintiffs

OF COUNSEL:
BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
P. O. Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343

I hereby certify that this is true and
correct copy of the File
rendered in the above styled cause.
This 28 day of Dec 2006
Allen W. Stephenson
Circuit Clerk 

CERTIFICATE OF SERVICE

I hereby certify that I have filed a copy of the foregoing document with the Summons and Complaint on this the 15th day of November, 2006.

Julia O. Beasley
OF COUNSEL

I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec 20 06
Allen W. Stephenson
Circuit Clerk A

**IN THE CIRCUIT COURT OF
BUTLER COUNTY, ALABAMA**

JENNIFER & SLADE PIGGOTT,

Plaintiffs,

vs.

GRAY CONSTRUCTION, INC.;
et al.,

Defendants.

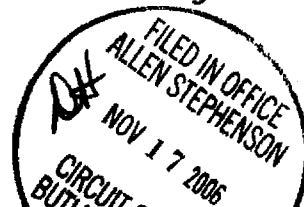
I hereby certify that this is true and
correct copy of the File
rendered in the above styled cause.
This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk *AS*

CASE NUMBER: CV-06 - 176

**PLAINTIFFS' MOTION TO INSPECT AND PHOTOGRAPH THE PREMISES OF
Hwashin AMERICA CORPORATION WHERE INCIDENT OCCURRED**

Pursuant to Rule 34 of the Alabama Rules of Civil Procedure, Plaintiffs request the Court to allow their attorneys and investigators to inspect and photograph the Hwashin America Corporation building, including the area where the roof collapsed and injured Plaintiff Jennifer Piggott, and the area where the wall collapsed in. Plaintiffs have attached a letter from Hwashin's attorney stating that a Court Order would be required to do so. (Exhibit "A".) The roof and building have not been repaired. It is important and necessary that Plaintiffs' attorneys and investigators be allowed access to the building and be permitted to inspect and photograph the building, including the roof, for purposes of preserving evidence, understanding the layout of the building, and viewing the material of the building and roof.

WHEREFORE, Plaintiffs request this Court to allow their attorneys and investigators to inspect and photograph the Hwashin America Corporation building at a time which is mutually convenient with Hwashin's attorney.




JULIA A. BEASLEY (BEA039)
Attorney for Plaintiffs

OF COUNSEL:
BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES, P.C.
P. O. Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343

CERTIFICATE OF SERVICE


I hereby certify that I have served a copy of the foregoing document upon all counsel of record as listed below by placing a copy of same in the United States Mail, first class, postage prepaid on this the 28 day of November, 2006.


OF COUNSEL

Ms. Rhonda Simmons
Hwashin America Corporation
661 Montgomery Highway
Greenville, AL 36037

Mr. Chris Allen
Executive Vice President
Gray Construction, Inc.
2204 First Avenue South, Suite 101
Birmingham, AL 35233

Mr. Turner B. Williams
BURR & FORMAN
3100 Wachovia Tower
420 N. 20th Street
Birmingham, AL 35203

I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk 

BURR & FORMAN LLP

ATTORNEYS AND COUNSELORS

3100 WACHOVIA TOWER

420 NORTH 20TH STREET

BIRMINGHAM, ALABAMA 35203

(205) 251-3000

(205) 458-5100 (FAX)

www.burr.com

Turner B. Williams
Direct Dial: (205) 458-5205
Direct Fax: (205) 244-5739
Email: twilliam@burr.com

November 9, 2006

Julia A. Beasley, Esquire
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
218 Commerce Street
P.O. Box 4160
Montgomery, Alabama 36103-4160

Re: **Julia Piggott**

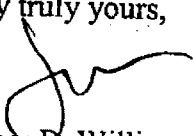
Dear Julia:

I am in receipt of your November 9, 2006 letter to Rhonda Simmons. Without a court order, I am sorry to inform you that we cannot accommodate your request. However, you should know that numerous photographs were taken by Hwashin America and their insurance carrier following the incident.

Should you have questions or comments, please let me know.

With best regards, I am

Very truly yours,


Turner B. Williams

TBW/rcc

I hereby certify that this is true and
correct copy of the File
rendered in the above styled cause.
This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk A

ALABAMA

GEORGIA

MISSISSIPPI

PLAINTIFF'S
EXHIBIT

A

**IN THE CIRCUIT COURT FOR
BUTLER COUNTY, ALABAMA**

JENNIFER PIGGOTT and SLADE
PIGGOTT,

Plaintiffs,

v.

GRAY CONSTRUCTION, INC., et al.,

Defendants.

CASE NO. CV-06-176

MOTION TO INTERVENE

COMES NOW Hwashin America Corporation, by and through its worker's compensation carrier, Alabama Self-Insured Worker's Compensation Fund, applicant for intervention and respectfully requests this Court to allow it to intervene in the above-styled matter pursuant to §25-5-11(a), *Code of Alabama*, (1975) (1992 REPL. Vol.). See *Millers Mutual Insurance Association v. Young*, 601 So.2d 962 (Ala. 1992). Hwashin America Corporation, by and through its worker's compensation carrier, the Alabama Self-Insured Worker's Compensation Fund, requests that it be allowed credit for worker's compensation benefits paid to or payable to Jennifer Piggott, for the amount of recovery which she has received or will receive in payment of any judgment or settlement of the above-styled cause. The intervenor respectfully moves this Court for an Order permitting it to intervene as a party in this action and permitting it to file the Complaint and Intervention attached hereto and as cause therefore would show unto this Honorable Court the following facts, to wit:

1. The applicant for intervention was, at all times relevant to the claims of the Plaintiff, the worker's compensation carrier of Hwashin America Corporation, and is licensed to do business in the State of Alabama.

I hereby certify that this is true and
correct copy of the file
rendered in the above-styled cause.
This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk aj

2. The applicant is seeking intervention in this matter as the worker's compensation carrier for Hwashin America Corporation.

3. Hwashin America Corporation was the Plaintiff's employer on the date and time of the injuries sustained by Plaintiff in the accident made the basis of this lawsuit.

4. The applicant has paid worker's compensation benefits and medical benefits, and will continue to pay worker's compensation benefits and medical benefits as they accrue, to/or on behalf of the Plaintiff Jennifer Piggott.

5. Said worker's compensation benefits have been paid by applicant as a direct result of the injuries sustained in this accident made the basis of this lawsuit.

6. The applicant has a subrogation interest in the lawsuit currently before the Court for both worker's compensation and medical benefits it has paid to or on behalf of the Plaintiff, and any medical benefits it is called to pay in the future.

7. The applicant has a substantial interest in the subject matter of this action.

8. The rights and interests of the applicant will be substantially affected by the issues in this case, and applicant, to date, has had no input in this cause.

9. The applicant's complaint and the issues currently before this Court have questions of law and fact in common.

10. Absent intervention, applicant's interest will not be adequately represented.

11. No party will be prejudiced as a result of the intervention by the applicant.

WHEREFORE, the applicant for intervention would respectfully move this Court for an order permitting it to intervene in this action and allowing it to file the attached Complaint.

I hereby certify that this is true and correct copy of the file rendered in the above styled cause.
This 28 day of Dec. 2006

Allen W. Stephenson
Circuit Clerk *at*



W. Christopher Waller, Jr. (WAL187)
James A. Rives (RIV005)
Attorneys for Hwashin America Corporation,
by and through the Alabama Self-Insured
Worker's Compensation Fund

OF COUNSEL:

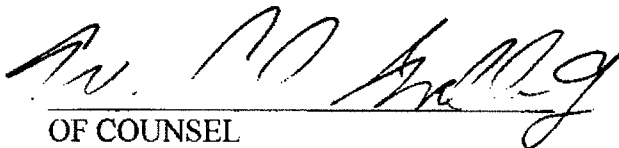
Ball, Ball, Matthews & Novak, P.A.
2000 Interstate Park Dr., Suite 204
P.O. Box 2148
Montgomery, AL 36102-2148
Telephone: (334) 387-7680

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document has been served on all counsel of record as listed below by placing copy of said document in regular U.S. Mail, first class and postage prepaid, on this the 5th day of December, 2006.

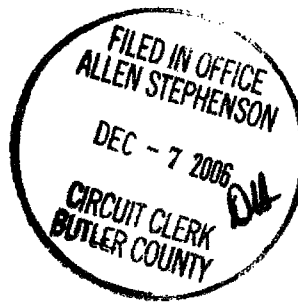
Jere L. Beasley
Julia A. Beasley
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
P.O. Box 4160
Montgomery, Alabama 36103-4160

Gray Construction, Inc.
2204 1st Avenue South
Suite 101
Birmingham, Alabama 35233



OF COUNSEL

I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec, 2006
Allen W. Stephenson
Circuit Clerk as



**IN THE CIRCUIT COURT FOR
BUTLER COUNTY, ALABAMA**

JENNIFER PIGGOTT and SLADE
PIGGOTT,

Plaintiffs,

v.

GRAY CONSTRUCTION, INC., et al.,

Defendants.

CASE NO. CV-06-176

COMPLAINT ON INTERVENTION

1. This is an action to protect the interest of Hwashin America Corporation, by and through its worker's compensation carrier, the Alabama Self-Insured Worker's Compensation Fund, for subrogation of worker's compensation benefits and medical benefits which have been paid and/or will be paid to or on behalf of Jennifer Piggott, a worker's compensation claimant. This claim is made pursuant to §25-5-11(a), *Code of Alabama*, 1975, as amended.

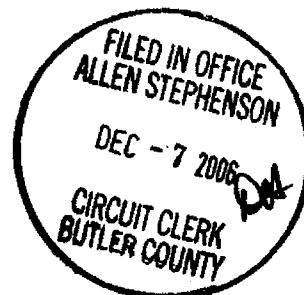
2. Jennifer Piggott was an employee of Hwashin America Corporation on or about October 17, 2006, the date of her injury.

3. The Alabama Self-Insured Worker's Compensation Fund is licensed to do business in the State of Alabama.

4. Jennifer Piggott is over the age of nineteen years.

5. The Alabama Self-Insured Worker's Compensation Fund has paid worker's compensation benefits and medical bills in excess of \$11,000.00 at the present time to Jennifer Piggott and/or her medical care providers.

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correct copy of the file
rendered in the above styled cause.
This 28 day of Dec, 2006
Allen W. Stephenson
Circuit Clerk af



6. The Plaintiff Jennifer Piggott has filed this current action against alleged third-party tortfeasors.

WHEREFORE, the above premises considered, Hwashin America Corporation, by and through its worker's compensation carrier, Alabama Self-Insured Worker's Compensation Fund, demands that it be reimbursed for worker's compensation benefits (including but not limited to indemnity and medical benefits currently paid or will pay in the future) paid to or on behalf of Plaintiff Jennifer Piggott, and those benefits payable in the future to or on behalf of Jennifer Piggott from the funds recoverable or to be recovered in the underlying tort action.

Respectfully submitted on this the 5th day of March, 2006.



W. Christopher Waller, Jr. (WAL187)
James A. Rives (RIV005)
Attorneys for Hwashin America Corporation,
by and through the Alabama Self-Insured
Worker's Compensation Fund

OF COUNSEL:

Ball, Ball, Matthews & Novak, P.A.
2000 Interstate Park Dr., Suite 204
P.O. Box 2148
Montgomery, AL 36102-2148
Telephone: (334) 387-7680

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document has been served on all counsel of record as listed below by placing copy of said document in regular U.S. Mail, first class and postage prepaid, on this the 5th day of March, 2006.

Jere L. Beasley
Julia A. Beasley
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
P.O. Box 4160
Montgomery, Alabama 36103-4160

I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec, 2006
Allen W. Stephenson
Circuit Clerk *ay*

Gray Construction, Inc.
2204 1st Avenue South
Suite 101
Birmingham, Alabama 35233


OF COUNSEL

I hereby certify that this is true and
correct copy of the File
rendered in the above styled cause.
This 28 day of Dec. 20 06
Allen W. Stephenson
Circuit Clerk of

STATE OF ALABAMA

Unified Judicial System

Check one (Not for Domestic Relations, Workers' Comp., PFA, or Small Claims cases):

BUTLER COUNTY

☐ District Court ☒ Circuit Court

► File No.

CIVIL ACTION NO.
CV-2006-176

Style of case:

Jennifer Piggott and Slade Piggott, Plaintiffs, v. Gray
Construction, Inc., et al., Defendants.**MOTION COVER SHEET**Name of Filing Party
Hwasin America CorporationName, Address, and Telephone No. of Attorney or Party, If Not Represented:
W. Christopher Waller, Jr. - Ball, Ball, Matthews & Novak, P.A.
P. O. Box 2148, Montgomery, Alabama 36102-2148
Telephone: 334/387-7680 Fax: 334/387-3222
Attorney Bar No.: WAL187

To be filled out by Clerk of Court:

- ☐ Filing Fee Charged and Collected (Amt \$ _____)
- ☐ Filing Fee Not Required (DR, SM, Work Comp, PFA)
- ☐ Affidavit of Hardship on File

Type of Motion (Check One)**Motions Requiring Fee**

- ☐ Default Judgment (\$50.00)
- ☒ Intervene or Appear as Third Party Plaintiff (\$297.00)
- ☐ Joinder in Other Party's Dispositive Motion (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Judgment on the Pleadings (\$50.00)
- ☐ Motion to Dismiss, or in the Alternative Summary Judgment (\$50.00)
- ☐ Other Dispositive Motion not pursuant to Rule 12(b) (\$50.00)
- ☐ Renewed Dispositive Motion (Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Summary Judgment or other Dispositive Motion not pursuant to Rule 12(b) (\$50.00)
- ☐ Other

Motions Not Requiring Fee

- ☐ Add Party
- ☐ Amend
- ☐ Change of Venue/Transfer
- ☐ Compel
- ☐ Consolidation
- ☐ Contempt
- ☐ Continue
- ☐ Deposition
- ☐ Designate a Mediator
- ☐ Judgment as a Matter of Law (during trial)
- ☐ Disburse Funds
- ☐ Discovery
- ☐ Ex Parte Restraining
- ☐ Extension of Time
- ☐ In Limine
- ☐ Joinder
- ☐ More Definite Statement
- ☐ Motion to Dismiss pursuant to Rule 12(b)
- ☐ New Trial
- ☐ Objection of Exemptions Claimed
- ☐ Plaintiff's Motion to Dismiss or Stipulation of Dismissal
- ☐ Preliminary Injunction
- ☐ Protective Order
- ☐ Quash
- ☐ Release from Stay of Execution
- ☐ Sanctions
- ☐ Sever
- ☐ Show Cause
- ☐ Special Practice in Alabama
- ☐ Stay
- ☐ Strike
- ☐ Supplement to Pending Motion
- ☐ Temporary Restraining Order
- ☐ Vacate or Modify
- ☐ Withdraw
- ☐ Other:

I hereby certify that this is true and
correct copy of the file
rendered in the above styled cause.
This 28 day of Dec. 2006
Allen W. Stephenson
Circuit Clerk a

Check here if you have filed or are filing
contemporaneously with this motion an Affidavit of
Substantial Hardship ☐

Date:
December 5, 2006

Signature of Attorney or Party

W. Christopher Waller, Jr. - WAL187

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.
** Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee

Exhibit B

GIDIERE, HINTON, HERNDON & CHRISTMAN

ATTORNEYS AT LAW

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MONTGOMERY, AL 36103

*ALSO ADMITTED IN
WASHINGTON, DC

**ALSO ADMITTED IN
TENNESSEE

JACK B. HINTON, JR.*
STEVEN K. HERNDON
ANDREW W. CHRISTMAN
MATTHEW Y. BEAM**

OF COUNSEL
PHILIP S. GIDIERE, JR.

December 29, 2006

Via Facsimile Transmission

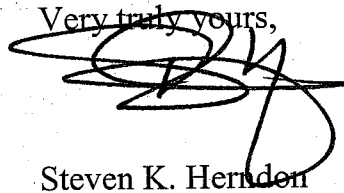
Ms. Julia A. Beasley
Beasley, Allen, Crow, Methvin
Portis & Miles, PC
P.O. Box 4160
Montgomery, AL 36103-4160

Re: *Piggott v. Gray Construction, Inc., et al.*
CV-06-176, Circuit Court of Butler County, Alabama
GHH&C: 5832

Dear Julie:

This letter serves to follow up my inquiries regarding the amount in controversy and to confirm your indication that you have around \$25,000 in medical specials so far and that you view this case to involve damages in excess of \$75,000 exclusive of interest and costs. Also, pursuant to your request, this serves to note that you desire to conduct limited discovery as to whether there are resident parties involved.

Very truly yours,



Steven K. Herndon

SKH:stp